

Assembly Bill No. 788

Passed the Assembly August 31, 2000

Chief Clerk of the Assembly

Passed the Senate August 29, 2000

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2000, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 202 of the Welfare and Institutions Code, relating to juvenile court law.

LEGISLATIVE COUNSEL'S DIGEST

AB 788, Maldonado. Juvenile court law: purpose.

Existing law sets forth the purpose of juvenile court law. Among other things, existing law states that minors under the jurisdiction of the juvenile court shall receive care, treatment, and guidance, as specified.

This bill would revise the purposes of the juvenile court law to include dispositions intended to accomplish specified public safety objectives, and would set forth 5 principles governing the operation of the juvenile justice system, including the right of the public to safe and secure homes and communities.

The people of the State of California do enact as follows:

SECTION 1. It is the intent of the Legislature to promote the mission of the juvenile justice system, long-term public safety, through the implementation of a juvenile justice model known as “The Balanced Approach to Restorative Justice.” The Balance Approach to Restorative Justice holds as its central tenet that long-term public safety is best served when victims, the community, and offenders engage together as active participants in balanced efforts to accomplish all of the following: (1) assure community protection; (2) hold offenders personally accountable for repairing the harm to victims and communities resulting from juvenile crime; and (3) ensure that juvenile offenders make measurable gains in educational, vocational, social, civic, and other areas of competency that enhance their capacity to function as law-abiding citizens.

SEC. 2. Section 202 of the Welfare and Institutions Code is amended to read:



202. (a) The purpose of this chapter is to provide for the protection, restoration, and safety of the public and each minor under the jurisdiction of the juvenile court and to preserve and strengthen the minor's family ties whenever possible, removing the minor from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. When removal of a minor is determined by the juvenile court to be necessary, reunification of the minor with his or her family shall be a primary objective. When the minor is removed from his or her own family, it is the purpose of this chapter to secure for the minor custody, care, and discipline as nearly as possible equivalent to that which should have been given by his or her parents. This chapter shall be liberally construed to carry out these purposes.

(b) Minors under the jurisdiction of the juvenile court who are in need of protective services shall receive care, treatment and guidance consistent with their best interest and the best interest of the public. When the minor is no longer a ward of the juvenile court, the guidance he or she received should enable him or her to be a law-abiding and productive member of his or her family and the community. To that end, minors under the jurisdiction of the juvenile court as a consequence of delinquent conduct shall receive dispositions intended to accomplish public safety through the following three objectives:

(1) Community protection through a continuum of appropriate responses to delinquent conduct, ranging from supervision to incapacitation, which protect citizens and victims from the threat to public safety posed by the minor.

(2) Accountability of the minor through restoration of the losses experienced by the victim and the community.

(3) Competency development of the minor in basic living skills necessary for law-abiding citizenship. These objectives shall be given equal consideration and shall be equally addressed by juvenile courts, probation departments, and youth, corrections, and other agencies



that may recommend, order, implement, or supervise dispositions for delinquent minors.

(c) It is the intent of the Legislature that the following five principles form the basis of operation for the juvenile justice system to achieve long-term public safety when dealing with delinquent minors:

(1) The public has a right to safe and secure homes and communities.

(2) Crime results in injury to the victim, the community, and the offender. The juvenile justice system should seek to repair those injuries. Victims and communities should be actively involved throughout the juvenile justice process, to the extent consistent with the offender's right to due process and the right of victims and minors under subdivision (b) of Section 676.5.

(3) Juvenile offenders should be capable of living in a responsible and law-abiding manner within the community and their families when they emerge from the juvenile court's jurisdiction.

(4) The unique set of experiences and circumstances contributing to the minor's offensive behavior must be addressed.

(5) California's juvenile justice system will best achieve long-term public safety when community protection, accountability of the offender to the victim and the community, and offender competency development are treated as equally weighted goals.

(d) It is also the purpose of this chapter to reaffirm that the duty of a parent to support and maintain a minor child continues, subject to the financial ability of the parent to pay, during any period in which the minor may be declared a ward of the court and removed from the custody of the parent.

(e) Juvenile courts and other public agencies charged with enforcing, interpreting, and administering the juvenile court law shall consider the safety, restoration, and protection of the public, the importance of redressing injuries to victims, and the best interests of the minor in all deliberations pursuant to this chapter. Participants in the juvenile justice system shall hold themselves



accountable for its results. They shall act in conformity with a comprehensive set of objectives established to improve system performance in a vigorous and ongoing manner.

(f) As used in this chapter, “punishment” means the imposition of sanctions. It shall not include a court order to place a child in foster care as defined by Section 727.3. Permissible sanctions may include the following:

(1) Payment of a fine by the minor.

(2) Rendering of compulsory service without compensation performed for the benefit of the community by the minor.

(3) Participation in a victim-offender reconciliation program.

(4) Limitations on the minor’s liberty imposed as a condition of probation or parole.

(5) Commitment of the minor to a local detention or treatment facility, such as a juvenile hall, camp, or ranch.

(6) Commitment of the minor to the Department of the Youth Authority.

“Punishment,” for the purposes of this chapter, does not include retribution.

(g) In addition to the actions authorized by subdivision (f), the juvenile court may, as appropriate, direct the offender to complete a victim impact class, participate in victim offender conferencing subject to the victim’s consent, pay restitution to the victim or victims, and make a contribution to the victim restitution fund after all victim restitution orders and fines have been satisfied, in order to hold the offender accountable or restore the victim or community.



Approved _____, 2000

Governor

